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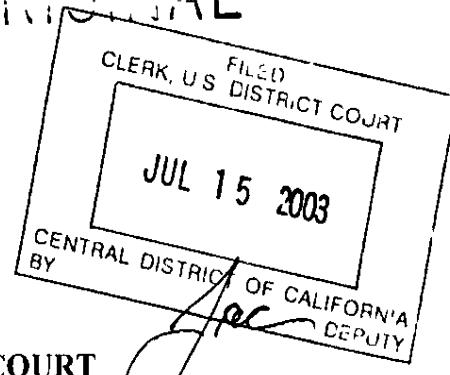
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

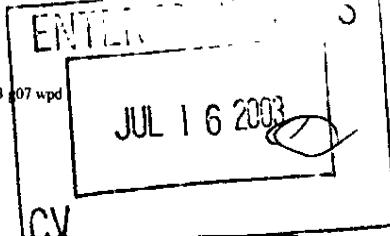
DUPACO, INC., a Delaware corporation, ) CASE NO. CV 03-2517 DDP(MANx)  
Plaintiff, )  
v. ) CONSENT JUDGMENT AND  
OMNI THERM, INC., a Missouri ) PERMANENT INJUNCTION AGAINST  
corporation; ) OMNI THERM, INC.  
Defendant. )

This Consent Judgment and Permanent Injunction is consented to by defendant Omni Therm, Inc. and plaintiff Dupaco, Inc. with reference to the following facts:

Defendant Omni Therm, Inc. has manufactured, used, offered for sale and sold and/or caused to be manufactured, used, offered for sale or sold head cushion products including at least the Omni Disposable Head Cushion Insert, Catalog #OT-C10.

This Court, having been advised by its subscribed consent below, that Omni Therm, Inc. consents to the entry of judgment against it and in favor of plaintiff and upon review of the pleadings and other materials on file with this Court and concluding that this is a proper cause for granting a permanent injunction and good cause appearing therefor:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Court has jurisdiction over the plaintiff, Dupaco, Inc., and over the defendant, Omni Therm, Inc., and over the subject matter in issue.



1 AND FURTHER ORDERED, ADJUDGED, AND DECREED that venue is proper in  
2 this District.

3 AND FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff is now, and  
4 has been at all times since its date of issuance, the owner of the United States Letters Patent  
5 6,490,737 issued December 10, 2002, and of all rights thereto and thereunder.

6 AND FURTHER ORDERED, ADJUDGED, AND DECREED that the aforesaid Letters  
7 Patent are good and valid in law; that the invention of said Letters Patent is statutory subject  
8 matter under 35 U.S.C. §101; that the invention is new and nonobvious within the meanings of  
9 35 U.S.C. §§102 and 103, and that specification and claims of said Letters Patent comply with  
10 35 U.S.C. §112.

11 AND FURTHER ORDERED, ADJUDGED, AND DECREED that said Letters Patent  
12 are enforceable by plaintiff.

13 AND FURTHER ORDERED, ADJUDGED, AND DECREED that defendant has  
14 infringed at least claim 2 of said Letters Patent by making, using and selling and causing others  
15 to make, use or sell or offer for sale articles within the claim.

16 AND FURTHER ORDERED, ADJUDGED, AND DECREED that defendant has  
17 contributorily infringed at least claim 2 of said Letters Patent by selling a component  
18 specifically intended for inclusion in a combination that infringes said Letters Patent, the  
19 component having no substantial non-infringing use.

20 AND FURTHER ORDERED, ADJUDGED, AND DECREED that defendant has  
21 induced others to infringe at least claim 2 of said Letters Patent by selling a component  
22 specifically intended for inclusion in a combination that infringes said Letters Patent.

23 AND FURTHER ORDERED, ADJUDGED, AND DECREED that defendant Omni  
24 Therm, Inc., its officers, agents, servants, and employees and all natural or legal persons acting  
25 on their behalf or in concert therewith who receive notice hereof are hereby restrained and  
26 enjoined from and after the date hereof and until April 9, 2020, or until any earlier date as said  
27 Letters Patent may lapse for non-payment of maintenance fees, from directly or indirectly  
28 infringing, contributorily infringing or inducing to infringe any claim of said Letters Patent.

1 AND FURTHER ORDERED, ADJUDGED, AND DECREED that defendant Omni  
2 Therm, Inc., its officers, agents, servants, and employees and all natural or legal persons acting  
3 on their behalf or in concert therewith who receive notice hereof are hereby restrained and  
4 enjoined from and after the date hereof and until April 9, 2020, or until any earlier date as said  
5 Letters Patent may lapse for non-payment of maintenance fees, from making, using or selling or  
6 offering for sale or causing to be made, used or sold or offered for sale the Omni Disposable  
7 Head Cushion Insert, Catalog #OT-C10 or any head cushion structurally similar thereto.

8 AND FURTHER ORDERED, ADJUDGED, AND DECREED that no accounting is  
9 ordered and no damages are awarded to plaintiff.

10 AND FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall  
11 bear its own costs and no attorney fees are awarded to either party.

12 AND FURTHER ORDERED, ADJUDGED, AND DECREED that the clerk of this  
13 Court shall forthwith enter judgment pursuant to Rule 58 of the Federal Rules of Civil  
14 Procedure and Central District of California Local Rule 14.10.

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18 DATED: 7-15-03



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20 Hon. Dean D. Pregerson  
United States District Judge

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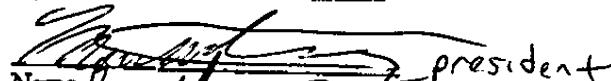
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Approved on behalf of plaintiff:

  
John L. Haller  
Attorney for Plaintiff  
Address

7/7/03

Approved on behalf of defendant:

  
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